

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JOHN BARNHARDT, ET AL.

PLAINTIFFS

and

UNITED STATES OF AMERICA

PLAINTIFF INTERVENOR

v.

CIVIL ACTION NO. 4:65-cv-01300-HTW-LRA

**MERIDIAN MUNICIPAL SEPARATE
SCHOOL DISTRICT, ET AL.**

DEFENDANTS

Response to Private Plaintiffs' Motion to Add Named Plaintiffs

The Private Plaintiffs seek leave to add Brandy Steele and Jacqueline Richardson, and their minor children S.S., K.S., and S.D., as named plaintiffs in this matter. [67].

1. Before the Private Plaintiffs filed their motion on June 27, 2018, the District had served its First Set of Interrogatories, Requests for Production of Documents, and Requests for Admission on June 22, 2018. [64]. The District hoped receipt of the Private Plaintiffs' discovery responses would aid it in evaluating its position on the Motion to Add Additional Named Plaintiffs. The District has evaluated the Private Plaintiffs' responses to interrogatories, requests for production of documents, and requests for admission. The Private Plaintiffs' discovery responses do not provide a basis for the District to agree to the addition of Ms. Steele, Ms. Richardson, and their minor children as named plaintiffs.

2. The Original Complaint filed by Private Plaintiffs on May 10, 1965, identifies the class of Plaintiffs:

Plaintiffs are all members of the Negro race. They bring this action on their own behalf and on behalf of all other Negro children and parents in the city of Meridian, Lauderdale County, Mississippi, who are similarly situated and affected by the policies, practices, customs and usages complained of herein. Plaintiffs are all citizens of the United States and of the State of Mississippi, residing in the City of Meridian, Lauderdale County,

Mississippi. *The minor plaintiffs and other minor Negro children similarly situated are eligible to attend and are presently attending public schools in the City of Meridian, Mississippi, which schools are under the jurisdiction, management and control of the defendants and which are all limited by defendants to attendance by Negro children, pursuant to policy, practice, custom and usage of defendants of operating a compulsory biracial school system.*

Ex. 1, p. 6 (emphasis added).

3. The Private Plaintiffs have failed to provide information in response to the District's discovery requests allowing the District to form an opinion on whether Ms. Steele and Ms. Richardson meet the class definition set out in the Original Complaint. Specifically, the Private Plaintiffs have provided no evidence Ms. Steele and/or Ms. Richardson's children attend or have attended schools are "limited by defendants to attendance by Negro children, pursuant to policy, practice, custom and usage of defendants of operating a compulsory biracial school system." See, e.g., Exhibit 2, excerpts from Private Plaintiffs' Answers to District's Interrogatories, pp. 5-6.

4. Further, based on the Private Plaintiffs' responses to the District's discovery requests, it appears several of the original named plaintiffs remain involved in the case and able to represent the interests of the Private Plaintiffs as a whole. Ex. 2, p. 15 (Roscoe Jones, LenRay Gandy, Lance Williams, and Emridge Falconer all original plaintiffs listed as "persons [with] first-hand knowledge" of the case.)

5. The District has requested deposition dates for Ms. Steele, Ms. Richardson, and their children. The District, therefore, requests the Court hold the Private Plaintiffs' motion in abeyance pending the requested depositions or, alternatively, deny the motion due to Private Plaintiffs' lack of specificity demonstrating the necessity to add additional parties.

Respectfully submitted, this 14th day of August, 2018.

MERIDIAN PUBLIC SCHOOL DISTRICT

/s/ John S. Hooks

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CERTIFICATE OF SERVICE

I do hereby certify that on this date, I filed electronically the foregoing with the Clerk of this Court using the CM/ECF system which will send notification of filing to all registered counsel of record.

Dated: August 14, 2018.

/s/ John S. Hooks